

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

LOWER BRULE SIOUX TRIBE, A  
FEDERALLY RECOGNIZED INDIAN TRIBE;

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
INTERIOR, UNITED STATES BUREAU OF  
INDIAN AFFAIRS, KRISSANNE STEVENS,  
OR HER SUCCESSOR, AWARDED  
OFFICIAL FOR THE BUREAU OF INDIAN  
AFFAIRS GREAT PLAINS REGION; THE  
UNITED STATES OF AMERICA, DOUG  
BURGUM, SECRETARY, UNITED STATES  
DEPARTMENT OF THE INTERIOR; BRYAN  
MERCIER, ACTING ASSISTANT  
SECRETARY FOR INDIAN AFFAIRS; AND  
STEPHANIE CONDUFF, ACTING  
DIRECTOR OF THE BUREAU OF INDIAN  
AFFAIRS;

Defendants.

3:21-CV-03018-RAL

ORDER REQUESTING CERTAIN  
ADDITIONAL FILINGS

This Court has scheduled a hearing on Defendants' Motion for Summary Judgment to occur on April 24, 2025, at 3:30 p.m. In preparing for that hearing, this Court in trying to determine if there is a triable genuine issue of material fact has noticed inconsistency from Plaintiff Lower Brule Sioux Tribe (the Tribe) on what sum of money it alleges the Government has overcollected and how the amount was determined. See Doc. 32 at 13 (alleging an overcollection of \$2,524,306); Doc. 66-2 at (alleging an overcollection of \$1,124,088); Doc. 66-1 (alleging an overcollection of \$699,840.53); Doc. 75 at 2 (alleging an overcollection of \$2,156,372.90). The Tribe is directed to

file an affidavit within the next 14 days stating the amount it alleges has been overcollected with an explanation of how the amount was calculated and to attach all documents showing how the amount is calculated. A spreadsheet is welcomed if the financial materials need to be summarized.

Further, in her deposition, Debra Nies references an email exchange between Nathan Herman and Kimberly Corkin regarding the propriety of entering the IDC prior period costs in the audit. Doc. 74-4 at 13. The Tribe is directed to file an affidavit attaching copies of the emails.


Finally, several filings in this case reference the BIA's Fiscal Year 2020 Findings and Determination (2020 F&D) on the Tribe's 2020 audit report. See Doc. 32 at 11, Doc. 66-1; Doc. 66-2 at 3; Doc. 66-3 at 8, Doc. 76 at 4. However, the 2020 F&D appears not to have been provided to this Court. To aid this Court in determining whether there exists a genuine issue of material fact, the Defendants are directed to file an affidavit with the 2020 F&D attached. Therefore, it is

ORDERED that the Tribe file with this Court an affidavit stating the amount it alleges has been overcollected and explaining how the amount was calculated and to attach all documents showing how the amount is calculated by April 15, 2025. The Tribe is also directed to file an affidavit attaching a copy of the email exchange between Nathan Herman and Kimberly Corkin regarding the propriety of entering the IDC prior period costs in the audit by April 15, 2025. It is further

ORDERED that the Defendants file an affidavit with the 2020 F&D attached by April 15, 2025.

DATED this 1<sup>st</sup> day of April, 2025.

BY THE COURT:

  
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ROBERTO A. LANGE  
CHIEF JUDGE